

National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL
Advice Memorandum

DATE: March 7, 1997

TO: Richard L. Ahearn, Regional Director, Region 9

FROM: Barry J. Kearney, Associate General Counsel, Division of Advice

SUBJECT: E. I. Dupont DeNemours and Co., Case 9-CA-34195

This Section 8(a)(5) and (1) case was submitted for advice as to whether the Employer was obligated to furnish the Union with certain compensation information about nonbargaining unit employees at the Employer's facility where the Union represents employees. Here, the employer issued a proxy statement which suggested that nonbargaining unit employees might be receiving grants or awards for making suggestions which improve the performance of their business unit. We conclude that the information requested by the Union, during the contractual wage reopener negotiations, is not relevant in formulating its bargaining proposals. In this regard, we note that the Union can formulate its own demands for grants and awards without the necessity of knowing the actual grants and awards made to nonbargaining unit employees. In this regard, the Employer has furnished the Union copies of both these award plans.

B.J.K.